

ELD-30E

March 15, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **07-9000**

IN RE: ROBERT W. JACKSON, III

Present: MCKEE, RENDELL * AND GREENBERG, CIRCUIT JUDGES

Submitted is petitioner's application for leave to file a second or successive petition for writ of habeas corpus under 28 U.S.C. § 2254, with proposed petition and exhibits, in the above-captioned case.

Respectfully,

Clerk

MMW/LLB/nmb

ORDER

The foregoing application for leave to file a second or successive petition for writ of habeas corpus under 28 U.S.C. § 2254 is denied. The petitioner has failed to make a prima facie showing that his claims rest on a newly discovered factual predicate that, if proven and viewed with the existing evidence, would establish by clear and convincing evidence that no reasonable factfinder would have found him guilty of the underlying offense. See 28 U.S.C. § 2244(b)(2).

By the Court,

/s/ Theodore A. McKee
Circuit Judge

Dated: April 2, 2007

nmb/cc: Loren C. Meyers, Esq.
Shawn Nolan, Esq.
Billy H. Nolas, Esq.]

* Judge Rendell would have held this motion CAV pending state court proceedings.